



Petition to Withdraw Holding of Abandonment

May 18, 2004

Faxed to 703-305-3762 & 703-305-3579

Application/Control Number: 09/856,228, filed May 16, 2001

Tech. Center 3700 Examiners: Mr. Banks, Ms. Williams

Applicant: LINDEN, CRAIG L.

Attention: E. Rollins-Cross, Director, Patent Examining Groups 3710

and 3720 and Mr. Steve Marcus, Special Program Examiner

I received a Notice of Abandonment with a mailing date of March 31, 2004, regarding a failure to timely file a proper reply to the Office letter mailed August 13, 2003. This letter is my Petition to Withdraw Holding of Abandonment and request for a copy of the mentioned Office letter mailed on August 13, 2003.

I hereby swear under penalty of perjury that: 1. I did not receive the Office letter mailed August 13, 2003, and I cannot produce a record, which would evidence my non-receipt of the Office letter; 2. My method for handling Patent Office mail is, I collect the mail each day from the mail box on our street, I immediately open and read any and all Patent Office mail and then place related Letter/Notices in a specific file labeled RealTimeTouch US Patent Office correspondence; 3. I have inspected the above mentioned file for the missing Office letter, I have also inspected all my files used to sort and store all other important mail and I additionally searched all possible areas of my home office and home; 4. It remains my sincere belief that the Office letter was lost in the mail. So sworn: Craig L. Linden Date May 18, 2004

Craig L. Linden

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MAY 27 2004
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FACSIMILE TRANSMISSION COVER SHEET

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NUMBER OF PAGES INCLUDING THIS COVER SHEET: **X 4** (incl. Notice)

DATE: May 18, 2004

FAXED TO: 703-305-3579

703-305-3762

TO: E. Rollins-Cross, Patent Examining Groups 3710/3720
and Mr. Steve Marcos, Special Program Examiner
Special Program Law Office 3700

COMPANY: USPTO

FROM: CRAIG L. LINDEN

MAILED: (Yes)

RE: Petition (attached) to Withdraw Holding of Abandonment

Thank you.

Please fax a copy of the Office Letter *March 31, 2003* *Thank you*

619-3906344
Fax: (619) ~~445-0505~~ Ph: (619) 445-0352

Craig L. Linden
1335 Midway Drive
Alpine, California 91901

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TECHNOLOGY CENTER P3700

Notice of Abandonment



Application No.	Applicant(s)	
09/856,228	LINDEN, CRAIG L.	
Examiner	Art Unit	
Derris Banks	3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 13 August 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.